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EXAMINER

SWERDLOW, DANIEL

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/976,841

Applicant(s)

HAWKINS ET AL.

Examiner

Daniel Swerdlow

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006 and 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-162 is/are pending in the application.
- 4a) Of the above claim(s) 51-58 and 60-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-50, 59 and 82-162 is/are rejected.
- 7) ☒ Claim(s) 140 and 141 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/18/06, 3/13/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claims 140 and 141 are objected to** because of the following informalities: Claims 140 and 141 are each presented twice with different recitations. Appropriate correction is required. To advance prosecution, examiner has treated the limitations of the first appearance of Claim 141 and the second appearance of Claim 140 as being both incorporated into the first appearance of Claim 140.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 150 through 162 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Regarding Claim 150, the original specification does not describe or depict an embodiment with a navigation button between the keyboard and the screen as claimed.

5. Claims 151 through 162 incorporate the new matter of Claim 150 by dependence therefrom.

Art Unit: 2615

6. In addition, the original specification does not describe or depict an embodiment with a navigation button with a perimeter ring as claimed in Claim 158 and, either explicitly or by dependence, in claims depending therefrom.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 25 through 50, 59, and 82 through 149 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffen et al. (US Patent 6,489,950) in view of either of Motorola V100 or Motorola Accompli as described by Pinkerton in Dealerscope November 2000, DiSabatino in Computerworld 6 November 2000, Palenchar in Twice 9 October 2000, Orubeondo in InfoWorld 23 April 2001, Motorola 009 User's Guide, Motorola "Let's Start" for 009 and Motorola V100 User's Guide.**

9. Regarding Claim 25, Griffen a hand-held electronic device with microprocessor (Figs. 9-11, reference 4000; column 15, line 60-column 16, lines 10) that corresponds to the hand-held computing device claimed and comprises: a housing 4020 that corresponds to the case claimed and has a front 4010 that corresponds to the front face claimed and a long axis (view 10, Fig. 10) and a short axis (View 11, Fig. 11); a keyboard 4008 that is clearly non-foldable and elongated horizontally across the front of the device (i.e., located on the front face and having key rows oriented perpendicularly with respect to the long axis of the case) (column 16, lines 3-6) with the

Art Unit: 2615

alphabetic keys in a standard qwerty layout (column 1, lines 45-55). Griffen further discloses the use of alphabetic keys with alternative numeric values (column 12, lines 54-59) but is silent as to the particular alphabetic keys to have alternative numeric values. Therefore, Griffen anticipates all elements of Claim 25 except the keyboard comprising a touch-tone telephone keypad arrangement of keys representing the symbols "0" to "9" with keys having a common visual characteristic that one key not in the keypad arrangement and wherein the device being adapted to function as a telephone. Each of the Motorola V100 or Motorola Accompli is a hand-held messaging device with a function like that disclosed in Griffen (i.e., a two-way paging or wireless email device) (column 2, lines 60-65) that includes a touch-tone telephone keypad arrangement (best shown on page 17 of the Motorola V100 User's Guide and also discernable on the images of the Motorola Accompli in DiSabatino) having a common visual characteristic (a dark numeral on a light background at the five o'clock position relative to the alphabetic key in the V100 and a contrasting color in the Accompli) not shared by the other keys. Griffen discloses the importance of minimizing the number of keys provided (column 1, lines 43-53). It would have been obvious to one skilled in the art at the time of the invention to apply the keyboard layout taught by either of Motorola V100 or Motorola Accompli to the hand-held device taught by Griffen for the purpose of minimizing the number of keys provided. Further, both Motorola V100 or Motorola Accompli are adapted to function as telephones (first and second complete paragraphs in second column of Palenchar). One skilled in the art would have known that the incorporation of telephone function into a messaging device provides user convenience. The desirability of such a combination at the time of the invention was well known, as evidenced by the Infoworld article by Orubeondo dated 23 April 2001, which

Art Unit: 2615

discloses, "Smart phones promise to replace the mobile phone and wireless PIM with a single device". It would have been obvious to one skilled in the art at the time of the invention to apply telephone function to the hand-held device taught by Griffen for the purpose of realizing the aforesaid advantages.

10. Regarding Claim 26, a dark numeral on a light background at the five o'clock position relative to the alphabetic key in the V100 and a contrasting color in the Accompli indicate the telephone keypad keys.

11. Regarding Claim 27, the keyboard arrangement of both the V100 and the Accompli include a "*" key to the left of the "0" key of the telephone keypad.

12. Regarding Claim 28, the keyboard arrangement of both the V100 and the Accompli include a "#" key to the right of the "0" key of the telephone keypad.

13. Regarding Claim 29, Griffen further discloses keys on the left side of the keyboard each slanted in the same direction and keys on the right side of the keyboard each slanted in the same direction (Fig. 9).

14. Regarding Claim 112, Griffen further discloses a display screen 4012, the display screen and the keyboard positioned as claimed (Fig. 9).

15. Regarding Claim 113, the keyboard arrangement of both the V100 and the Accompli place the telephone keypad to the left of center.

16. Regarding Claim 114, the keyboard arrangement of both the V100 and the Accompli place include a "+" shaped navigation control in the center of the keyboard and associated navigation controls ("C" and "OK" on the V100 and "back" and "tab" on the Accompli) symmetrically arranged to the left and right.

Art Unit: 2615

17. Regarding Claim 115, the keyboard 4008 of the device disclosed in Griffen is clearly usable without unfolding.

18. Regarding Claim 116, both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones (first and second complete paragraphs in second column of Palenchar).

19. Regarding Claim 30, in addition to the elements cited above apropos of Claim 25, both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones (first and second complete paragraphs in second column of Palenchar).

20. Regarding Claim 31, both Motorola V100 and Motorola Accompli have at least three rows of at least three multi-value keys comprising the keypad.

21. Regarding Claim 32, both Motorola V100 and Motorola Accompli have a first row with "1", "2" and "3", a second row with "4", "5" and "6" and a third row with "7", "8" and "9".

22. Regarding Claim 33, both Motorola V100 and Motorola Accompli have a "0" key in a fourth row.

23. Regarding Claim 34, Motorola V100 has "1", "2" and "3" associated with "Q", "W" and "E", respectively, "4", "5" and "6" associated with "A", "S" and "D", respectively, and "7", "8" and "9" associated with "Z", "X" and "C", respectively.

24. Regarding Claim 35, both Motorola V100 and Motorola Accompli have a top row with "1", "2" and "3", a middle row with "4", "5" and "6" and a bottom row with "7", "8" and "9".

25. Regarding Claims 36 and 37, both Motorola V100 and Motorola Accompli have a "0" key in a fourth row.

Art Unit: 2615

26. Regarding Claim 38, both Motorola V100 and Motorola Accompli have a fourth row with multi-value keys representing “*”, “0” and “#”.

27. Regarding Claim 39, both Motorola V100 and Motorola Accompli have a first row with “1”, “2” and “3”, a second row with “4”, “5” and “6”, a third row with “7”, “8” and “9” and a fourth row with multi-value keys representing “*”, “0” and “#”.

28. Regarding Claim 40, both Motorola V100 and Motorola Accompli have a top row with “1”, “2” and “3”, a second row with “4”, “5” and “6”, a third row with “7”, “8” and “9” and a bottom row with multi-value keys representing “*”, “0” and “#”.

29. Regarding Claim 41, the cited references do not disclose expressly the exact correspondence between the numeric key values and the alphabetic key values claimed. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to shift the relative positions of the numeric key values and the alphabetic key values while maintaining the numeric keypad arrangement disclosed in the cited references. Applicant has not disclosed that the exact correspondence between the numeric key values and the alphabetic key values claimed provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with the correspondence between the numeric key values and the alphabetic key values taught in the cited references because they teach the same numeric keypad arrangement overlaid onto a similar region of the alphabetic keyboard. Therefore, it would have been obvious to one of ordinary skill in the art to modify the correspondence between the numeric key values and the alphabetic key values taught in the cited references to obtain the invention as claimed.

Art Unit: 2615

30. Regarding Claim 42, both Motorola V100 and Motorola Accompli have a fourth row with a multi-value key representing "0".

31. Regarding Claim 117, Griffen further discloses a display screen 4012, the display screen and the keyboard positioned as claimed (Fig. 9).

32. Regarding Claim 118, the keyboard arrangement of both the V100 and the Accompli place the telephone keypad to the left of center.

33. Regarding Claim 119, the keyboard arrangement of both the V100 and the Accompli place include a "+" shaped navigation control in the center of the keyboard and associated navigation controls ("C" and "OK" on the V100 and "back" and "tab" on the Accompli) symmetrically arranged to the left and right.

34. Regarding Claim 120, the keyboard 4008 of the device disclosed in Griffen is clearly usable without unfolding.

35. Regarding Claim 43, in addition to the elements cited above apropos of Claim 25, both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones (first and second complete paragraphs in second column of Palenchar).

36. Regarding Claims 44, 45 and 103, both Motorola V100 and Motorola Accompli have a fourth row with a multi-value key representing "0".

37. Regarding Claims 46, 47 and 104, both Motorola V100 and Motorola Accompli have a fourth row with multi-value keys representing "*", "0" and "#".

38. Regarding Claim 48, Motorola V100 has "1", "2" and "3" associated with "Q", "W" and "E", respectively, "4", "5" and "6" associated with "A", "S" and "D", respectively, and "7", "8" and "9" associated with "Z", "X" and "C", respectively.

Art Unit: 2615

39. Regarding Claim 49, both Motorola V100 and Motorola Accompli have keys with secondary values that are neither alphabetic nor numeric. The Motorola V100 pairs “R” “T” “Y” “U” “I” “O” “F” “G” “H” “J” “K” “V” “B” “N” and “M” with non-numeric secondary values and the Motorola Accompli pairs “,”, “.” and “?” with non-numeric secondary values.

40. Regarding Claim 50, a dark numeral on a light background at the five o’clock position relative to the alphabetic key in the V100 and a contrasting color in the Accompli distinguish the keys with numeric secondary values.

41. Regarding Claim 59, in the Motorola Accompli the background of the keys with numeric secondary values is a different color than the background of the “,”, “.” and “?” keys with non-numeric secondary values.

42. Regarding Claim 82, in the V100 a dark numeral (i.e., a label with a first color) on a light background at the five o’clock position relative to the alphabetic key identifies keys with numeric secondary values and a light numeral (i.e., a label with a second color) on a dark background at the five o’clock position relative to the alphabetic key identifies keys with non-numeric secondary values.

43. Regarding Claim 83, the Motorola Accompli pairs “,”, “.” and “?” with non-numeric secondary values of “””, “-“ and “/”.

44. Regarding Claim 84, Griffen further discloses the hand-held electronic device comprises a microprocessor (Figs. 9-11, reference 4000; column 15, line 60-column 16, lines 10).

45. Regarding Claims 85 and 86, it is clear that both Motorola V100 and Motorola Accompli interpret activation of a key as one of the key’s values.

Art Unit: 2615

46. Regarding Claims 87 and 92, both Motorola V100 and Motorola Accompli have “shift” and “alt” keys.
47. Regarding Claim 88, both Motorola V100 and Motorola Accompli have modes where a subsequent key press enters a secondary value (V100 guide, page 33, first bullet under “Entering Numbers in Text Mode”; Accompli guide, page 22, “SHIFT”).
48. Regarding Claim 89, Griffen further discloses interpreting a second character associated with a depressed key when a, auxiliary input (i.e., modifier key) is held (column 4, lines 1-12).
49. Regarding Claims 90 and 91, both Motorola V100 and Motorola Accompli have distinct modes in which a key press enters a primary or secondary value (V100 guide, page 33, second and third bullets under “Entering Numbers in Text Mode”; Accompli guide, page 23, “PHONE”).
50. Regarding Claim 93, in both Motorola V100 and Motorola Accompli, each alphabetic key has an upper case value and a lower case value (i.e., an alphabetic value and a secondary value) (V100 guide, page 33, first bullet under “Entering Text”; Accompli guide, page 22, “SHIFT”).
51. Regarding Claims 94 and 102, Griffen further discloses the hand-held electronic device comprises an email device (column 2, lines 61-65).
52. Regarding Claim 95, Griffen further discloses the hand-held electronic device comprises a wireless email device (column 2, lines 61-65).
53. Regarding Claim 96, in the V100 a letter on the key and a numeral at the five o’clock position relative to the alphabetic key identify the primary and secondary values and in the

Art Unit: 2615

Accompli a large letter and a small number on the key identify the primary and secondary values.

54. Regarding Claim 97, in the Accompli a large letter and a small number on the key identify the primary and secondary values.

55. Regarding Claim 98, in the V100 a numeral at the five o'clock position relative to the alphabetic key identifies the numeric value.

56. Regarding Claim 99, in the Accompli, a telephone number specified by a sequence of multi-value key activations is dialed (Accompli Guide, p. 80).

57. Regarding Claim 100, Griffen further discloses keys on the left side of the keyboard each slanted in the same direction and keys on the right side of the keyboard each slanted in the same direction (Fig. 9).

58. Regarding Claim 101, Griffen further discloses oval shaped keys (Fig. 9).

59. Regarding Claim 121, Griffen further discloses a display screen 4012, the display screen and the keyboard positioned as claimed (Fig. 9).

60. Regarding Claim 122, the keyboard arrangement of both the V100 and the Accompli place the telephone keypad to the left of center.

61. Regarding Claim 123, the keyboard arrangement of both the V100 and the Accompli place include a "+" shaped navigation control in the center of the keyboard and associated navigation controls ("C" and "OK" on the V100 and "back" and "tab" on the Accompli) symmetrically arranged to the left and right.

62. Regarding Claim 124, the keyboard 4008 of the device disclosed in Griffen is clearly usable without unfolding.

Art Unit: 2615

63. Regarding Claim 105, in addition to the elements cited above apropos of Claim 25, both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones (first and second complete paragraphs in second column of Palenchar) and have a telephone keypad arrangement of three rows of three multi-value keys each.

64. Regarding Claim 106, both Motorola V100 and Motorola Accompli have keys with secondary values that are neither alphabetic nor numeric. The Motorola V100 pairs “R” “T” “Y” “U” “I” “O” “F” “G” “H” “J” “K” “V” “B” “N” and “M” with non-numeric secondary values and the Motorola Accompli pairs “,”, “.” and “?” with non-numeric secondary values.

65. Regarding Claim 107, in both Motorola V100 and Motorola Accompli, keys with secondary values that are neither alphabetic nor numeric are visually distinguished from keys with numeric secondary values at least by their respective labels, markings and/or indicia.

66. Regarding Claim 125, Griffen further discloses a display screen 4012, the display screen and the keyboard positioned as claimed (Fig. 9).

67. Regarding Claim 126, the keyboard arrangement of both the V100 and the Accompli place the telephone keypad to the left of center.

68. Regarding Claim 127, the keyboard arrangement of both the V100 and the Accompli place include a “+” shaped navigation control in the center of the keyboard and associated navigation controls (“C” and “OK” on the V100 and “back” and “tab” on the Accompli) symmetrically arranged to the left and right.

69. Regarding Claim 128, the keyboard 4008 of the device disclosed in Griffen is clearly usable without unfolding.

Art Unit: 2615

70. Regarding Claim 108, in addition to the elements cited above apropos of Claim 25, both Motorola V100 and Motorola Accompli have a telephone keypad arrangement with a top row with "1", "2" and "3", a middle row with "4", "5" and "6" and a bottom row with "7", "8" and "9".

71. Regarding Claim 129, Griffen further discloses a display screen 4012, the display screen and the keyboard positioned as claimed (Fig. 9).

72. Regarding Claim 130, the keyboard arrangement of both the V100 and the Accompli place the telephone keypad to the left of center.

73. Regarding Claim 131, the keyboard arrangement of both the V100 and the Accompli place include a "+" shaped navigation control in the center of the keyboard and associated navigation controls ("C" and "OK" on the V100 and "back" and "tab" on the Accompli) symmetrically arranged to the left and right.

74. Regarding Claim 132, the keyboard 4008 of the device disclosed in Griffen is clearly usable without unfolding.

75. Regarding Claim 109, in addition to the elements cited above apropos of Claim 25, Griffen further discloses the hand-held electronic device comprises a microprocessor (Figs. 9-11, reference 4000; column 15, line 60-column 16, lines 10) and both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones (first and second complete paragraphs in second column of Palenchar) and have a telephone keypad arrangement of three rows of three multi-value keys each.

76. Regarding Claim 110, Griffen further discloses the hand-held electronic device comprises an email device (column 2, lines 61-65).

Art Unit: 2615

77. Regarding Claim 111, Griffen further discloses the hand-held electronic device comprises a wireless email device (column 2, lines 61-65).

78. Regarding Claim 133, Griffen further discloses a display screen 4012, the display screen and the keyboard positioned as claimed (Fig. 9).

79. Regarding Claim 134, the keyboard arrangement of both the V100 and the Accompli place the telephone keypad to the left of center.

80. Regarding Claim 135, the keyboard arrangement of both the V100 and the Accompli place include a "+" shaped navigation control in the center of the keyboard and associated navigation controls ("C" and "OK" on the V100 and "back" and "tab" on the Accompli) symmetrically arranged to the left and right.

81. Regarding Claim 136, the keyboard 4008 of the device disclosed in Griffen is clearly usable without unfolding.

82. Regarding Claim 137, both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones (first and second complete paragraphs in second column of Palenchar) and therefore inherently include communication control logic for transmission and receipt of voice communications. In addition, Griffen further discloses: the device including address book, calendar, task list and other text-based features (column 2, lines 65-67) and therefore inherently includes data control logic for processing applications; a display 500 that corresponds to the screen claimed and displays the processed information (column 5, lines 59-65); and a keyboard 900 configured to receive input (column 6, lines 2-3).

83. Regarding Claim 138, both Motorola V100 and Motorola Accompli have a nine key telephone keypad overlaid on the alphabetic keyboard.

Art Unit: 2615

84. Regarding Claim 139, both Motorola V100 and Motorola Accompli have at least three rows of at least three multi-value keys comprising the keypad.

85. Regarding Claim 140, Motorola V100 has "1", "2" and "3" associated with "Q", "W" and "E", respectively, "4", "5" and "6" associated with "A", "S" and "D", respectively, and "7", "8" and "9" associated with "Z", "X" and "C", respectively.

86. Regarding Claim 141, in addition to the elements cited above apropos of Claim 25, both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones in GSM networks (first and second complete paragraphs in second column of Palenchar) and, as such, inherently comprise a cellular telephone.

87. Regarding Claim 142, Griffen further discloses the device including address book, calendar, task list and other text-based features (column 2, lines 65-67) and therefore inherently includes an application processor.

88. Regarding Claim 143, the Motorola V100 has voice notes, read message, and write message buttons that correspond to the outer buttons claimed and a "+" shaped navigation control that corresponds to the selection button claimed (V100 Guide, page 18). The Motorola Accompli has phone, messages, calendar and contacts buttons that correspond to the outer buttons claimed and a "+" shaped navdisc control that corresponds to the selection button claimed (Accompli Guide, pages 22-23).

89. Regarding Claim 144, in the Motorola Accompli the phone and messages buttons are to the left of the navdisc control that corresponds to the selection button claimed, and the calendar and contacts buttons are to the right of the navdisc control that corresponds to the selection button claimed (Accompli Guide, page 22).

Art Unit: 2615

90. Regarding Claim 145, the Motorola V100 has clear and OK buttons that correspond to the outer navigation buttons claimed (V100 Guide, page 17). The Motorola Accompli has back and tab buttons that correspond to the outer navigation buttons claimed (Accompli Guide, pages 22-23).

91. Regarding Claim 146, the Motorola V100 has voice notes, read message, and write message buttons that correspond to the outer buttons claimed and execute predefined applications (V100 Guide, page 18). The Motorola Accompli has phone, messages, calendar and contacts buttons that correspond to the outer buttons claimed and execute predefined applications (Accompli Guide, pages 22-23).

92. Regarding Claim 147, the Motorola Accompli has a back button that corresponds to the first outer navigation button configured for a first navigational direction and a tab button that corresponds to the second outer navigation button configured for a second navigational direction (Accompli Guide, pages 22-23).

93. Regarding Claims 148 and 149, both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones in GSM networks (first and second complete paragraphs in second column of Palenchar) and, as such, inherently comprise a cellular telephony voice communication system.

94. **Claims 150 through 157 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffen in view of either of Motorola V100 or Motorola Accompli and further in view of Smethers (US Patent 6,587,132).**

Art Unit: 2615

95. Regarding Claim 150, Griffen further discloses: the device including address book, calendar, task list and other text-based features (column 2, lines 65-67) and therefore inherently includes data control logic for processing applications; a display 500 that corresponds to the screen claimed and displays the processed information (column 5, lines 59-65); and a keyboard 900 configured to receive input (column 6, lines 2-3). In addition, the Motorola V100 has a "+" shaped navigation control that corresponds to the navigation button claimed (V100 Guide, page 18). The Motorola Accompli has a "+" shaped navdisc control that corresponds to the navigation button claimed (Accompli Guide, pages 22-23). Therefore, the combination of Griffen and either of Motorola V100 or Motorola Accompli makes obvious all elements except the navigation button located between the keyboard and the screen. Smethers discloses a mobile device (Fig. 1A) with navigation controls 106 located between a keyboard 108 and a display screen 102 (column 4, lines 33-54). Smethers further discloses that such an arrangement provides convenient and efficient user interaction. It would have been obvious to one skilled in the art at the time of the invention to apply the navigation control placement taught by Smethers to the combination made obvious by Griffen and either of Motorola V100 or Motorola Accompli for the purpose of realizing the aforesaid advantages.

96. Regarding Claim 151, both Motorola V100 and Motorola Accompli have a nine key telephone keypad overlaid on the alphabetic keyboard.

97. Regarding Claim 152, both Motorola V100 and Motorola Accompli have at least three rows of at least three multi-value keys comprising the keypad.

98. Regarding Claim 153, Motorola V100 has "1", "2" and "3" associated with "Q", "W" and "E", respectively.

Art Unit: 2615

99. Regarding Claim 154, Motorola V100 has “4”, “5” and “6” associated with “A”, “S” and “D”, respectively.

100. Regarding Claim 155, Motorola V100 has “7”, “8” and “9” associated with “Z”, “X” and “C”, respectively.

101. Regarding Claim 156, in addition to the elements cited above apropos of Claim 25, both Motorola V100 and Motorola Accompli are adapted to function as wireless telephones in GSM networks (first and second complete paragraphs in second column of Palenchar) and, as such, inherently comprise a cellular telephone.

102. Regarding Claim 157, Griffen further discloses the device including address book, calendar, task list and other text-based features (column 2, lines 65-67) and therefore inherently includes an application processor.

103. Claims 158 through 162 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffen in view of either of Motorola V100 or Motorola Accompli and further in view of Smethers and further in view of Oba (US Patent 6,962,170).

104. Regarding Claim 158, as shown above apropos of Claim 150, the combination of Griffen, either of Motorola V100 or Motorola Accompli and Smethers makes obvious all elements except the navigation button comprising a perimeter ring having a top edge, bottom edge, left edge and right edge. Oba discloses a navigation button (Fig. 5, reference 33) having a top edge (↑), bottom edge (↓), left edge (←) and right edge (→). Oba further discloses that such an arrangement provides easier and more convenient display control (column 7, lines 36-42). It would have been obvious to one skilled in the art at the time of the invention to apply the

Art Unit: 2615

navigation control button configuration taught by Oba to the combination made obvious by Griffen, either of Motorola V100 or Motorola Accompli and Smethers for the purpose of realizing the aforesaid advantages.

105. Regarding Claim 159, Oba further discloses an oval ring (Fig. 5, reference 33).

106. Regarding Claim 160, Oba further discloses an enter key that corresponds to the selection button claimed within the perimeter ring (Fig. 5, reference 33).

107. Regarding Claim 161, Oba further discloses the top edge being an up cursor control and the bottom edge being a down cursor control (Fig. 5, reference 33 column 7, lines 36-42).

108. Regarding Claim 162, Oba further discloses the left edge being a left cursor control and the right edge being a right cursor control (Fig. 5, reference 33 column 7, lines 36-42).

Response to Arguments

109. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

110. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2615

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Swerdlow
Primary Examiner
Art Unit 2615

ds
3/22/07